

COMMONWEALTH OF MASSACHUSETTS

Division of Administrative Law Appeals  
14 Summer Street, 4<sup>th</sup> Floor  
Boston, MA 02114  
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[www.mass.gov/dala](http://www.mass.gov/dala)

Board of Registration in Medicine  
Committee on Acupuncture,  
Petitioner

v.  
Qingping Joy Bai, Lic. Ac.,  
Respondent

Docket No. RM-21-0329

Appearance for Petitioner:

Lawrence Perchick, Esq.  
Board of Registration in Medicine  
200 Harvard Mill Square, Suite 330  
Wakefield, MA 01880

Appearance for Respondent:

*pro se*  
18 Thoroughbred Lane  
Sherborn, MA 01770

**Administrative Magistrate**

James P. Rooney

**Summary of Decision**

Licensed acupuncturist subject to suspension and discipline for failing to wear a mask and gloves when performing acupuncture in violation of Covid protocols.

**RECOMMENDED DECISION**

On September 3, 2021, the Board of Registration Committee on Acupuncture issued a Statement of Allegations ordering Qingping Joy Bai, a licensed acupuncturist, to show cause

why she should not be disciplined for failing to follow Covid protocols issued by the governor that are applicable to health care workers. The Board also temporarily suspended her license to practice acupuncture.

On September 24, 2021, I issued Qingping Joy Bai the following order to show cause that addressed both the Statement of Allegations and the suspension order:

The Board of Registration in Medicine Committee on Acupuncture has taken two actions with respect to licensed acupuncturist Qingping Joy Bai. It has issued a Statement of Allegations asserting that Ms. Bai is subject to discipline for failing to wear a mask and gloves while performing acupuncture. It has also filed a motion to suspend Ms. Bai's license to practice acupuncture while this matter is proceeding.

Ms. Bai, whose license to practice acupuncture was temporarily suspended on September 3, 2021, has a right to challenge her suspension at a hearing on the motion to suspend her license. Absent a favorable ruling on that motion, her license will remain suspended. I scheduled a hearing on the motion for September 10, 2021 and gave Ms. Bai a number of options: proceed with a hearing on that date, conduct instead a prehearing conference on that date, or postpone the hearing to another date. Ms. Bai has not responded to the order nor did she participate in the conference call about the suspension motion I held on September 10, 2021 to which she was invited and which was attended by counsel for the Board. The opportunity provided Ms. Bai for a prompt hearing on the suspension motion was optional and could be waived by her. I will assume that Ms. Bai has waived her right to a hearing on the summary suspension motion if she does not by October 8, 2021 file a written response with the Division of Administrative Law Appeals (copied to Board counsel) in which she asserts that she wishes to have a hearing on the summary suspension motion, proposes a date for doing so, and offers a good explanation as to why she had not previously responded to the order setting the hearing on September 20, 2021. If she does not respond or fails to offer an adequate explanation, I will recommend that the Board grant the summary suspension motion.

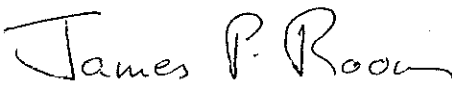
By regulation, Ms. Bai must submit a written answer to the Statement of Allegations within 30 days of its issuance. 243 CMR 4.03(7). The answer must "address the substantive allegations set forth in the complaint or order." *Id.* The Statement of Allegations was issued on September 3, 2021. The deadline for a response would ordinarily be October 4, 2021. I will extend that to October 8, 2021. By that date, Ms. Bai must file an answer with the Division of Administrative Law Appeals and send a copy of her answer to Board counsel. If she does not, I will conclude that she does not

intend to defend herself against the allegations raised by the Board, and will consequently recommend to the Board that Ms. Bai be disciplined for failing to agree to wear a mask and gloves while performing acupuncture.

Ms. Bai has not responded to this order. Because she has not responded to the options I gave her regarding the suspension of her license, I conclude that she has waived her right to a hearing on the suspension. I therefore recommend that the Board affirm the suspension of her license to practice acupuncture.

Ms. Bai has also not filed an answer to the Statement of Allegations. I therefore recommend that she be disciplined, as the Board deems appropriate, for failing to agree to wear a mask and gloves while performing acupuncture.

DIVISION OF ADMINISTRATIVE LAW APPEALS

  
James P. Rooney  
First Administrative Magistrate

Dated: DEC 27 2021